

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

DAVID ESRATI,

Plaintiff,

Case No. 3:21-cv-218

vs.

U.S. DEPARTMENT OF JUSTICE, *et al.*,

District Judge Michael J. Newman

Defendants.

NOTICE

The Court recently received the attached email from Plaintiff. Although he addresses, in part, the difficulty he has experienced in effecting service of summons and his complaint, any relief he seeks from the Court must be sought by filing a motion in the record of this case. In addition, understanding that Plaintiff is proceeding *pro se* in this case, the Court, in the interest of justice, **NOTIFIES** him of the following:

1. Parties are not permitted to have *ex parte* communications with the Court. This means that you cannot communicate with the Court about the merits of your case, orally or in writing, without the other party's participation.
2. You must tell the Court and the other party's attorney, in writing, of changes to your address and/or telephone number.
3. Because *pro se* litigants do not have access to the Court's electronic filing system, they are required to mail a copy of anything they file with the Court to the other party's attorney and enclose a signed Certificate of Service. This requirement can be avoided if: (1) the *pro se* litigant personally brings the filing to the Clerk of Court's office for filing; (2) the attorney(s) for the other party agree to receive service solely through the Court's CM/ECF filing system; and (3) the Certificate of Service in the *pro se* litigant's filing states that service will be made solely through the Court's CM/ECF filing system and counsel for the opposing party has so consented.

4. *Pro se* litigants are encouraged to read the Court's Guide for *Pro Se* Civil Litigants, which can be found at <http://www.ohsd.uscourts.gov/pro-se-handbook>.

August 31, 2021

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge

From: David Esrati <david@electresrati.com>
Sent: Friday, August 27, 2021 11:42 AM
To: OHSDdb_Newman_Ch
Subject: Refusal of service in your building: 3:21 CV 218

RE: Service on 3:21 CV 218

Judge Newman,

I've tried twice to serve the local office of the DOJ in this case.

They seem to think working from home- means no one has to be in the office to accept service.

One person, most certainly can work safely in their offices.

The first time I tried- on the date of filing- I filmed myself slipping it under the door.

Phil, in the Clerk's office said it wouldn't count as service, however, in the case of the Texas legislature abandoning their offices to go to DC, the NY Times reported that:

"The first stop was the office of Representative Hubert Vo, a Houston Democrat. After knocking but receiving no answer, he then knelt to slide the warrant under the door. It was the same story at the nearby office of Representative Yvonne Davis, a Dallas Democrat." <https://www.nytimes.com/2021/08/11/us/texas-house-democrats-arrest-warrants.html?searchResultPosition=1>

I followed up that day with an email that was not responded to by a number of folks in that DOJ office 8/11/21, 7:46 PM
"You've been served"

ie: rob.painter@usdoj.gov brent.tabacchi@usdoj.gov corey.ellis@usdoj.gov criminal.division@usdoj.gov

Today, while returning proof of service via Certified Return Mail to the FBI in Cincinnati and the DOJ in DC, I again knocked on the door. There is a note on the door, saying they are working remotely and that packages can be left with the GSA office on the first floor.

The Marshals on the first floor- as well as the Clerk on the 7th floor refuse to accept and sign.

The GSA office was vacant.

I am a taxpayer, a US Citizen, a Service Disabled Veteran, and yet- I show up for work. I try to help serve my customers, especially through these trying times of COVID.

I filed a lawsuit to protect the rights of voters. Yet, it seems the people who are employed by the voters to serve us, seem to have forgotten their duties and responsibilities.

If there is any question of service to the local DOJ- you have been warned. Since I also notified the office in DC- it should count.

However, I believe there needs to be a process and procedure to handle this.

On my service forms- it asks my costs- but already has the total filled out as \$0 for reimbursement.

Once again, another question of what are we doing?

I'm not eligible for reimbursement for my time doing a lawyers work.

As far as I know, there is no monetary reward for uncovering crimes by the FBI and the DOJ in their pursuit of the "Culture of Corruption" in Dayton.

I've invested considerable time and effort- only to be treated like a second class citizen.

I thought the 14th Amendment stopped the establishment of privileged classes and provided for equal protection- but, apparently I was wrong.

Our courts are supposed to belong to the people- not just the legal profession.

I doubt that the Marshals, the clerk, or the employees of the DOJ would treat a member of the BAR the way I was treated.

And lastly- every day that this case is delayed is one more day that fraud is being committed against the taxpayers with assistance of the FBI and the DOJ- by not releasing the tapes I legally requested.

I would like this case to proceed with haste because time is of the essence.

Thank you

--

David Esrati

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